IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

WRIT PETITION NO : 6522 of 2005

Between:

K. Sudhakar S/o. Sri K. Venkateswara Rao,
R/o. D.No. 59-A, 18-4, Plot No.51, 3rd Cross Street, Teachers colony,
Vijayawada.

..... PETITIONER

AND

1 The Dy. Transport Commissioner, Kakinada, East Godavari District.
2 The Transport Commissioner, B.R.K. Bhavan, Hyderabad.
3 The Director General, Vigilance & Enforcement, B.R.K. Bhavan, Hyderabad.
4 The Revenue Secretary, Secretariat, Hyderabad.
5 The Dy. Transport Commissioner, Visakhapatnam.
6 The Dy. Transport Commissioner, Vijayawada.
7 The Dy. Transport Commissioner, Hyderabad.
8 The Dy. Transport Commissioner, Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order of direction, more particularly one in the nature of Writ of Mandamus, declaring the inaction on the part of the respondent in not responding to the representation of the Petitioner Vide letter dt. 22-2-2005 requesting for information and consequential inaction of the respondents in not proceeding against the Managing Partner of M/s. Model Tours and travels, for evading the taxes is arbitrary, illegal, unjust, contrary to law and in violation of the fundamental rights guaranteed under Articles 14, 15 and 21 of the Constitution of India and issued consequential direction calling upon the Respondents to ensure proper action against the tax defaulter and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.L.RAVICHANDER

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

1. This writ petition is filed seeking the following relief:

> " For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ or order of direction, more particularly one in the nature of Writ of Mandamus, declaring the inaction on the part of the respondent in not responding to the representation of the petitioner vide letter dated 22.02.2005 requesting for information and consequential inaction of the respondents in not proceeding against the Managing Partner of M/s. Model tours and Travels for evading the taxes is arbitrary, illegal, unjust, contrary to law and in violation of the fundamental rights guaranteed under Articles 14, 15 and 21 of the Constitution of India and issue consequential direction calling upon the respondents to ensure proper action against the tax defaulter and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. Admittedly, suit (O.S.No.169 of 2004) for dissolution of partnership filed by the petitioner in is pending on the file of III Additional Senior Civil Judge, Vijayawada. The grievance of the petitioner is that he sought for certain particulars from the transport authorities as the same are essential to prove his case in the partition suit and as the transport authorities have not furnished the necessary particulars, he has chosen to file this writ petition.

3. Since the suit is pending between the parties, in case the writ petitioner feels that the documents are essential to advance his case in the suit, he is always at liberty to move necessary application to summon the documents from the concerned authorities. Giving liberty to the petitioner to move necessary application in the trial court to summon the documents in question, if any, this writ petition is disposed of at

the admission stage.

4. In view of the disposal of the main writ petition, WPMP.No.13049 of 2005 and WPMP.No.8682 of 2005 have become redundant and the same are dismissed.

Tnb

Dated: 28th April, 2005 (B.Seshasayana Reddy, J)

To

1. The Deputy Transport Commissioner, Kakinada, E.G.District.
2. The Transport Commissioner, BRK Bhavan, Hyderabad.
3. The Director General, Vigilance and Enforcement, BRK Bhavan, Hyderabad.
4. The Revenue Secretary, Secretariat, Hyderabad.

5. The Deputy Transport Commissioner, Visakhapatnam.

6. The Deputy Transport Commissioner, Vijayawada.

7. The Deputy Transport Commissioner, Hyderabad.

8. The Deputy Transport Commissioner, Chittoor District.

9. III Additional Senior Civil Judge, Vijayawada.

10. 2 Copies to Government Pleader for Transport, High Court Buildings, Hyderabad.

11. 2 CD copies